UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

AO 106 (Rev. 04/10) Application for a Search Warrant

UNITED STATES DISTRICT COURT

MAY 22 2017

MATTHEW J. DYKMAN
CLERK

for the
District of New Mexico

In the Matter of the Search of
(Briefly describe the property to be searched or identify the person by name and address)

GRIEGO, Richard
SSN: xxx-xx-4791

Case No. 17mr401

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:

The person known as Richard GRIEGO, DOB: xx/xx/1983, SSN: xxx-xx-4791

located in the ______ District of New Mexico, there is now concealed *(identify the person or describe the property to be seized)*:

DNA evidence; to wit; Buccal cell swab, sufficient for DNA analysis, which would be material evidence in a criminal prosecution.

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☑ evidence of a crime;
- ☑ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☑ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	*Offense Description*
Title 18 USC 922(g)(1)	Convicted felon in possession of a firearm
Title 18 USC 1951	Hobbs Act, Robbery
Title 18 USC 924(c)	Use of a firearms in furtherance of a federal crime of violence

The application is based on these facts:

See attached affidavit

☑ Continued on the attached sheet.

☐ Delayed notice of _____ days (give exact ending date if more than 30 days: __________) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

Victor Hernandez, Task Force Officer, ATF
Printed name and title

Sworn to before me and signed in my presence.

Date: 5/22/2017

Judge's signature

City and state: Albuquerque, New Mexico

William P. Lynch
Printed name and title

AFFIDAVIT FOR SEARCH WARRANT

Search Warrant - Continued.
United States of America
V.
GRIEGO, Richard
SSN: xxx-xx-4791

1. Victor Hernandez, a Task Force Officer with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), being duly sworn, deposes and states:

2. I am a Task Force Officer with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). I am currently also a Detective with the Albuquerque Police Department and have been so for 13 years.

3. As a Task Force Officer and in my experience previously as a law enforcement officer with the Albuquerque, NM police department. I have conducted surveillance, interviewed sources of information and defendants, served and reviewed telephone subpoenas, served search warrants and arrest warrants, investigated firearms and narcotics trafficking, National Firearms Act (NFA) violations, Hobbs Act violations, carjacking violations, undercover firearms and narcotic investigations. Further, I have testified in judicial proceedings in federal court involving prosecutions relating to violations of federal firearms laws.

4. I am an investigative, or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510 (7), in that I am an officer of the United States who is empowered by law to conduct investigations and make arrests for the offenses enumerated in Titles 18 and 26, United States Code.

5. The statements contained in this affidavit are based, in part, on information provided by Special Agents and Task Force Officers of the ATF and other law enforcement officers; on conversations held with police officers; and on my background and experience law enforcement officer.

6. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

PROBABLE CAUSE

7. On April 14, 2107, Deputy J. Williams with the Bernalillo County Sheriff's Department responded to a call of an armed robbery at the Subway restaurant located at 397 Alameda Rd. NW, Albuquerque, New Mexico.

8. Deputy J. Williams reviewed the video surveillance on scene and observed a male and female enter the business. The male subject, later identified as Richard GRIEGO, pulled out a silver revolver from his waistband and pointed it at the employee. GRIEGO and the female, later identified as Christine Montoya left the business with $116.00 in mixed United States currency.

9. On April 17, 2017, Detective N. Marrujo with the Violent Crimes Unit, Bernalillo County Sheriff's Department, was assigned the case. Detective N. Marrujo circulated photographs of the suspects in the video surveillance to local law enforcement agencies. GRIEGO was later identified by Probation and Parole Officers, W. Tennant and D. Ramirez as current parolee, Richard GRIEGO.

10. Detective N. Marrujo reviewed the surveillance video and noted both GRIEGO and Montoya exited a silver Hyundai Sonata. Detective N. Marrujo researched GRIEGO further and found that GRIEGO was in a Hyundai Sonata that was stopped by Albuquerque Police Department on March 30, 2017. The vehicle did not have a license plate on it. The Vehicle Identification Number was listed as 5NPEC4AB6CH424634. A registration check revealed the vehicle to be registered to Christine Montoya.

11. On April 21, 2017, Detective N. Marrujo went to 1036 Sawmill Rd., Bernalillo, NM, 87004 which was listed on GRIEGO's parolee paperwork. He observed a silver Hyundai Sonata that matched the vehicle used in the armed robbery. Detective N. Marrujo then provided a photo array to the victim of the armed robbery, A.B. A.B. identified GRIEGO as the suspect.

12. On April 24, 2017, Detective N. Marrujo obtained arrest warrants for GRIEGO and Montoya as well as a search warrant for the residence of 1036 Sawmill Rd., Bernalillo, NM. The warrants were approved by Judge Zamora, Bernalillo County District Court.

13. On April 25, 2017, the arrest and search warrants were executed on the residence. During the search, Detective S. Rodriguez located the silver .357 revolver with the serial number scratched off inside a concealed compartment within the glove box of the Hyundai Sonata

PROBABLE CAUSE

14. Detective N. Marrujo reviewed video surveillance video and observed Richard GRIEGO and Montoya enter the Subway restaurant located at 397 Alameda Blvd. NW, Albuquerque, New Mexico. GRIEGO revealed a silver revolver and pointed it at the clerk, A.B. GRIEGO left the restaurant with $116.00

15. Your affiant ATF TFO V. Hernandez conducted a criminal history query for GRIEGO and found him to have four (4) previous felony convictions in cause number D-1329-CR-2005-00144 for Unlawful Taking of a Motor Vehicle and Aggravated Fleeing a Law Enforcement Officer, D-1329-CR-2005-00208 for Attempted Trafficking a Controlled Substance with Intent, D-1329-CR-2008-00183 for Breaking and Entering and D-1329-CR-2010-00141 for Aggravated Burglary with a Deadly Weapon and Felon in Possession of a Firearm. These convictions were out of the 13th Judicial District of New Mexico, County of Sandoval.

16. Your affiant viewed the firearm and found it to be a Ruger Sturm & Co., unknown model, .357 caliber, revolver pistol, and serial number 151-16900 that was not manufactured in the state of New Mexico, therefore affecting interstate commerce.

17. ATF TFO V. Hernandez determined that the Subway Restaurant located at 397 Alameda Blvd. NW receives/received products and supplies from outside the State of New Mexico, thus affecting interstate commerce.

18. Your Affiant knows it is common for an individual's DNA to be transferred to items handled by that individual; in this case, the items are firearms. Based upon these facts, your Affiant respectfully requests that a search warrant be issued for Richard GRIEGO, to collect a sample of buccal cells for forensic analysis and for use as evidence in court as your Affiant opines there is probable cause to suggest Richard GRIEGO previously and unlawfully handled the above firearms.

Respectfully submitted,

Victor Hernandez
Task Force Officer
ATF

Subscribed and sworn to before me
on May 22, 2017:

UNITED STATES MAGISTRATE JUDGE